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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Lester L. Knox, Jr.,

No. CV-23-01458-PHX-SPL

9 Plaintiff,

**ORDER**

10 vs.

11 Millennia Tax Relief LLC,

12 Defendant.  
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15 Before the Court is Plaintiff's Motion to Reassign Judgment to Original Creditor.  
16 (Doc. 29). For the following reasons, Plaintiff's Motion will be denied.

17 On January 30, 2024, the Court granted in part and denied in part Plaintiff's Motion  
18 for Default Judgment against Defendant Millenia Tax Relief LLC and awarded Plaintiff  
19 \$20,405 in actual damages. (Doc. 26). Plaintiff asserts that on or around April 17, 2024,  
20 Plaintiff assigned the judgment to Landmark Collection Services, Inc. ("Landmark") for  
21 collection purposes. (Doc. 29 at 1). Plaintiff alleges that Landmark subsequently failed to  
22 respond to communications with the Consumer Financial Protection Bureau ("CFPB") and  
23 is no longer in business. (*Id.*). Plaintiff further alleges that because Landmark has closed,  
24 Plaintiff is unable to enforce the judgment. (*Id.*). Thus, Plaintiff filed the present Motion  
25 requesting the Court reassign the judgment back to Plaintiff. (*Id.*).

26 Here, Landmark is not a party to this case, and the Court lacks the requisite authority  
27 to effectuate Plaintiff's request. "Without a proper basis for jurisdiction, or in the absence  
28 of proper service of process, the district court has no power to render any judgment against

1 the defendant's person or property unless the defendant has consented to jurisdiction or  
2 waived the lack of process." *S.E.C. v. Ross*, 504 F.3d 1130, 1138–39 (9th Cir. 2007).  
3 Because Plaintiff did not serve Landmark, the Court lacks personal jurisdiction over the  
4 entity and will not attempt to determine its rights. *See Bradford v. Bracamonte*, 3:20-CV-  
5 0213-WQH-WVG, 2020 WL 7625106, at \*1 (S.D. Cal. Dec. 22, 2020) ("Because  
6 Defendants have not been served, the Court does not have personal jurisdiction over them,  
7 and will not attempt to determine their rights."); *Atkins v. Calypso Sys. Inc.*, CV-14-02706-  
8 PHX-NVW, 2015 WL 1508415, at \*1 (D. Ariz. Apr. 1, 2015) ("Service of process is the  
9 *mechanism* by which the court [actually] acquires the power to enforce a judgment against  
10 the defendant's person or property. In other words, service of process is the means by which  
11 a court asserts its jurisdiction over the person.").

12 Moreover, as the relief Plaintiff apparently seeks from Landmark constitutes a  
13 different cause of action than the underlying suit against Defendant—which involved  
14 claims under the Telephone Consumer Protection Act, 47 U.S.C. § 227—and apparently  
15 aims to replace the Defendant with Landmark, Plaintiff has not demonstrated that this  
16 Court retains subject matter jurisdiction over the action. To that end, Article III of the  
17 United States Constitution's "case-or-controversy requirement demands that, through all  
18 stages of federal judicial proceedings, the parties continue to have personal stake in the  
19 outcome of the lawsuit." *United States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001).  
20 Here, as the current action has been adjudicated against Defendant Millenia Tax Relief  
21 LLC and subsequently terminated, there is no active case or controversy between the  
22 parties for this Court to adjudicate. Should Plaintiff believe he has a claim against  
23 Landmark, Plaintiff should file a lawsuit in the appropriate court bringing his cause or  
24 causes of action against Landmark. Accordingly,

25 **IT IS ORDERED** that Plaintiff Lester L. Knox, Jr.'s Motion to Reassign Judgment  
26 to Original Creditor is **denied**.

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